



## THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of Yasuo TAKEUCHI et al

Application No 09/714 993

Filed November 20, 2000

For METHOD FOR NON-FRY COOKING AND ITS USE

THE COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

Sir

Atty's Docket TAKEUCHI=7A

Examiner A. L. CORBIN

Art Unit 1761

Confirmation No. 6705

Washington, D.C.

Date April 28, 2003

RECEIVED  
APR 29 2003  
GROUP 1700

Transmitted herewith is a [X] REPLY TO RESTRICTION REQUIREMENT

in the above-identified application:

[ ] Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted

[ ] A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed

[X] No additional fee is required

The fee has been calculated as shown below

|   | (Col. 1)                                  |       | (Col. 2)                             | (Col. 3)                   |
|---|---|-------|--------------------------------------|----------------------------|
|   | CLAIMS<br>REMAINING<br>AFTER<br>AMENDMENT |       | HIGHEST NO<br>PREVIOUSLY<br>PAID FOR | PRESENT<br>EXTRA<br>EQUALS |
| TOTAL                                     | *   | MINUS | ** 20                                |                            |
| INDEP                                     | *   | MINUS | *** 3                                |                            |
| FIRST PRESENTATION OF MULTIPLE DEP. CLAIM |   |       |                                      |                            |

| SMALL ENTITY         |                   |
|----------------------|-------------------|
| RATE                 | ADDITIONAL<br>FEE |
| x 9                  | \$                |
| x 40                 | \$                |
| + 135                | \$                |
| ADDITIONAL FEE TOTAL |                   |
| \$                   |                   |

| OTHER THAN SMALL ENTITY |                   |
|-------------------------|-------------------|
| RATE                    | ADDITIONAL<br>FEE |
| x 18                    | \$                |
| x 80                    | \$                |
| + 270                   | \$                |
| TOTAL                   |                   |
| \$                      |                   |

OR

OR

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3

\*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space

\*\*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed

[XX] Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor

[ ] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below

## Small Entity

## Response Filed Within

[ ] First - \$ 55.00

[ ] Second - \$ 195.00

[ ] Third - \$ 445.00

[ ] Fourth - \$ 695.00

## Month After Time Period Set

## Other Than Small Entity

## Response Filed Within

[ ] First - \$ 110.00

[ ] Second - \$ 390.00

[ ] Third - \$ 890.00

[ ] Fourth - \$ 1390.00

## Month After Time Period Set

[ ] Less fees (\$ \_\_\_\_\_) already paid for \_\_\_\_\_ month(s) extension of time on \_\_\_\_\_

[ ] Please charge my Deposit Account No. 02-4035 in the amount of \$ \_\_\_\_\_

[ ] Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$ \_\_\_\_\_

[ ] A check in the amount of \$ \_\_\_\_\_ is attached (check no. \_\_\_\_\_)

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR § 1.16 and all patent processing fees under 37 CFR § 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR § 1.18.

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Attorneys for Applicant(s)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: TAKEUCHI=7A

In re Application of: ) Art Unit: 1761  
)  
Yasuo TAKEUCHI et al ) Examiner: A. L. Corbin  
)  
Appln. No.: 09/714,993 ) Washington, D.C.  
)  
Date Filed: November 29, 2000 ) Confirmation No.: 6705  
)  
For: METHOD FOR NON-FRY ) April 28, 2003  
COOKING AND ITS USE )

RECEIVED  
APR 29 2003  
GROUP 1700

REPLY TO RESTRICTION REQUIREMENT

Honorable Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicants acknowledge and hereby respond to the  
Office Action mailed April 17, 2003.

Acknowledgement by the PTO of the receipt of  
applicants' papers filed under Section 119 is noted.

Restriction has been required between what the PTO  
considers to be two (2) patentably distinct inventions as  
outlined at the top of page 2 of the Office Action. As an  
election must be made even though the requirement is  
traversed, applicants hereby respectfully and provisionally  
elect Group I, presently comprising claims 1-8, with traverse  
and without prejudice.

Applicants' traversal is based on the second paragraph of MPEP 803 which **requires** examination of an entire application, even though the restriction requirement is 100% correct, if it would not constitute a "serious burden" to search and examine the non-elected subject matter in addition to the elected subject matter. In this regard, applicants respectfully note that the non-elected subject matter, claims 9 and 10, is directed to a product particularly "adapted" for the utility of elected Group I. This means that not any trehalose solution falls within the scope of Group II, or that there is any other use for specially adapted trehalose solution.

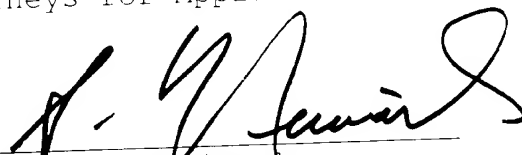
The inventions of Group I and Group II are so closely related that they should be examined in a single application, even though the groups are patentably distinct. Applicants believe and respectfully submit that examining Group II along with Group I would not impose a serious burden.

Accordingly, applicants respectfully request withdrawal of the requirement and examination of all the claims on the merits.

Applicants respectfully await the results of a first examination on the merits.

Respectfully submitted,  
BROWDY AND NEIMARK, P.L.L.C.  
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